

RECORD OF PROCEEDINGS
COLORADO STATE BOARD OF VETERINARY MEDICINE

PUBLIC MINUTES
November 3, 2011

Notice of this meeting was published at www.dora.state.co.us/veterinarians/publicnotices.htm at least 7 days in advance of the meeting date.

I. CONVENE

The Open Session of the meeting for the State Board of Veterinary Medicine was convened at One Civic Center Plaza, 1560 Broadway, Suite 110 A, Denver, Colorado 80202 at 8:40 a.m. by Richard Leone, DVM, President.

Board Members Present

Richard Leone, DVM, President
Joni Edwards, DVM, Vice-President
Kim Stone, DVM, Secretary
Michael Gotchey, DVM
Kristin Woestehoff, DVM
Stacy Worthington, Public Member

Staff

Maulid Miskell, Program Director
Leanne Clasen, Program Manager
Paul S. Wilson, Program Specialist
Rita Quinn, Assistant Attorney General
Abigail Gaskins, Compliance Monitor
Melissa Garner, Office of Expedited Settlement

II. RULEMAKING HEARING

Rules I, II, III, IV, V, VI, VII, and VIII

1. Statement of Basis, Purpose and Authority
2. Proposed Rule Number Reordering and Renumbering
3. Proposed Rule Revisions of Current Rules

There were no written comments submitted by any member of the public. Oral comments were made by William Fredregill, DVM, and Ralph Johnson, both representing the CVMA.

A motion was made, seconded and carried to close the public rulemaking hearing at 9:28 a.m. and entered into Open Session.

The Board discussed issues regarding all testimony provided and votes on changes, corrections, etc. to the Drafted Rules and Regulations.

A motion was made, seconded and carried to adopt the Board Rules as amended, to be effective December 30, 2011.

III. REPORTS

- Report from the Program Director, Maulid Miskell.

Mr. Miskell recognized Dr. Michael Gotchey for his continued service to the Board pending the Governor's appointment of a replacement. In addition, he advised that a new public member of the Board will be appointed to fill that vacant position and that Dr. Kim Stone is expected to be reappointed to a second four-year term. He updated the Board on the AAVSB's response to inquiries on their RACE program.

- Report from the Board President, Richard Leone, DVM.
Dr. Leone thanked Abigail Gaskins and fellow Board members for their participation in the Board's presentation at the CVMA Convention.

IV. CONTINUING EDUCATION

Continuing Education – Kim Stone, DVM, Board Secretary

The bi-monthly requests were reviewed in advance by Dr. Stone. A motion was made, seconded, and carried to approve all continuing education requests as submitted, with the exception of the following two tabled requests:

Memo regarding tabled application from USDA, FSIS Public Health Information System

A motion was made, seconded, and carried to approve the tabled continuing education request for 18.75 CE hours. Dr. Edwards abstained and Drs. Gotchey and Stone opposed.

Memo regarding tabled application from USDA, Animal and Plant Health Inspection Service

A motion was made, seconded, and carried to approve the tabled continuing education request for 2.5 CE hours.

V. OPEN FORUM

Scott Marx, DVM expressed his concerns over the unlicensed practice of equine dentistry, especially by laypersons acting without the supervision of a licensed veterinarian.

Ralph Johnson expressed greetings from the CVMA.

VI. NEW BUSINESS

- **Memorandum regarding accreditation of St. George's University School of Veterinary Medicine**

Board noted.

- **Memorandum regarding proposed schedule for 2012 Board meetings**

Board noted.

VII. LICENSING

- **Memorandum regarding newly licensed Veterinarians. (Consent Item)**

A motion was made, seconded, and carried to approve all newly licensed Veterinarians either by exam or endorsement.

Yes Applications

- **Memorandum regarding Robert Hicks**

After careful consideration of the provided information, a motion was made, seconded and carried to grant licensure.

- **Memorandum regarding Randal Daniels**

After careful consideration of the provided information, a motion was made, seconded and carried to deny reinstatement at this time. Dr. Woestehoff abstained.

- **Memorandum regarding Wesley Cook**

After careful consideration of the provided information, a motion was made, seconded and carried to grant reinstatement.

- **Memorandum regarding Milissa Quirk**

After careful consideration of the provided information, a motion was made, seconded and carried to grant licensure.

- **Memorandum regarding Rajendra Sanathara**

After careful consideration of the provided information, a motion was made, seconded and carried to deny reinstatement at this time.

VIII. INITIAL REVIEW

AGENDA ITEM # 1 Joshua Fisher, DVM # 8389 Case #2012-001053

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM # 2 Cristy Fisher, DVM # 2565 Case #2012-001054

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM # 3 Diana Roberts, DVM # 6682 Case #2012-001153

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM # 4 Darrel Ireland, DVM # 1188 Case #2012-000978

Dr. Woestehoff recused herself from the discussion and the vote, and exited the room. After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

AGENDA ITEM # 5 Margaret Garcia, DVM # 7694 Case #2012-001150

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

AGENDA ITEM # 6 Wesley Cook, DVM # 8389 Case #2012-000430

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM # 7 David Tumlinson, DVM # 2565 Case #2012-000030

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM # 8 Jacob Rehard, DVM # 8550 Case #2012-000031

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM # 9 Debra Van Houton, DVM # 4927 Case #2012-000971

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

AGENDA ITEM # 10 Matthew Booth, DVM # 7009 Case #2012-001146

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM # 11 James Wingert DVM # 2992 Case #2012-001044

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM # 12 James Wingert DVM # 2992 Case #2012-001045

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM # 13 Seth Rothstein, DVM # 7241 Case #2012-000861

After careful consideration of the information provided, a motion was made, seconded, and carried to table pending receipt of additional information.

AGENDA ITEM # 14 Jerrold Hix, DVM # 1246 Case # 2012-001151

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

AGENDA ITEM # 15 Courtney McDonald, DVM # 8394 Case #2012-000859

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

IX. TABLED

Donald Pfretzschner, DVM # 2970 Case #2011-005063

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

James Ziegler, DVM # 6922 Case #2011-005067

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case as being without merit

Jeffrey Young, DVM # 5112 Case #2011-003953

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

Nathalie Grossman, DVM # 7011 Case #2011-000998

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

X. STIPULATIONS

- Open Stipulations Report
September 20, 2011
Board noted. A motion was made, seconded and carried to ratify closure for case 2011-001259, Lori Resig, DVM.
- Lee Bregitzer, DVM # 2082
Case # 2009-001760 – Memo 1
A motion was made, seconded and carried to accept report # 10.
- Lee Bregitzer, DVM # 2082
Case # 2009-001760 – Memo 2
A motion was made, seconded and carried to accept tabled report # 7.
- Mark Cochran, DVM # 3252
Case # 2010-002365
A motion was made, seconded and carried to accept report # 10.
- Janelle Kubacki, DVM # 6585
Case # 2010-000096
A motion was made, seconded and carried to close this case.
- Kevin Toman, DVM # 6308
Case # 2005-004775
A motion was made, seconded and carried to close this case.

XI. ADJOURNMENT FROM OPEN SESSION

Richard Leone, DVM, Board President, called for a motion on November 3, 2011 at 3:29 p.m. that the State Board of Veterinary Medicine enter into Executive Session for the purpose of discussing with counsel disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, and receiving legal advice on specific legal questions, pursuant to Colorado Revised Statutes section 24-6-402 (3) (a) (II), including:

- ☐ The legal basis for potential disciplinary action, and, where warranted, recommended settlement guidance for matters discussed in open session today and referred to executive session, specifically:
 - Case No. 2011-005063 Donald Pfretzschner
 - Case No. 2011-005067 James Ziegler
 - Case No. 2012-000978 Darrell Ireland
 - Case No. 2012-001150 Margaret Garcia
 - Case No. 2012-000971 Debra Van Houten
 - Case No. 2012-001044 James Wingert
 - Case No. 2012-001045 James Wingert
 - Case No. 2012-001151 Jerrold Hix
 - Case No. 2011-003953 Jeffrey Young
 - Case No. 2011-000998 Nathalie Grossman
- ☐ Settlement, counteroffers and other legal questions pertaining to open cases referred to the Expedited Settlement Program.

- Case No. 2010-004818 and 2011-001635 Taka Kitashima
- Case No. 2011-002602 Abby Obermiller
- Counteroffers, settlement issues and other legal questions pertaining to cases with the Attorney General's Office, specifically:
 - Case No. 2012-000125 Timothy Hollaman
 - Case No. 2011-003115 Gyula Joo
 - Case No. 2011-003589 Linda Yates
 - Case No. 2010-002993 and 2011-001355 Jeffrey Young
 - Case No. 2011-000295 and 2011-001847 Merrilee Laas

XII. ADJOURNMENT FROM EXECUTIVE SESSION

Open session of the meeting for the State Board of Veterinary Medicine adjourned at 3:29 p.m. The Board then entered into Executive Session at 3:29 p.m. and reconvened in Open Session at 5:07 p.m.

XIII. ADJOURNMENT FROM OPEN SESSION

The final meeting adjournment was at 5:09 p.m. The Board will reconvene on Thursday, December 15, 2011, at One Civic Center Plaza, Room 110 A, Denver, CO 80202, at approximately 8:30 a.m.

Attestation:

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S., as Board President, I attest that the Executive Session of the State Board of Veterinary Medicine meeting held on November 3, 2011 was confined to the topics authorized for discussion pursuant to § 24-6-402(3)(a)(II), (III), and (IV), C.R.S.

Approved by Richard J. Zernov 2/15/12
Board President Date